

KIRTON LAW FIRM

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October 3, 2021

VIA ELECTRONIC FILING

Honorable P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *United States v. Nicholas Joseph, 20 cr. 603 (PKC)*

Dear Judge Castel:

I represent Nicholas Joseph in the above-referenced matter. The Defense requests an extension of time to file a motion to set aside the verdict.

Mr. Joseph was convicted by a jury on September 22, 2021. The Defense intends to file a motion to set aside the verdict pursuant to Rule 29 (c) of the Federal Rules of Criminal Procedure (FRCP). The motion must be filed within 14 days after a guilty verdict. The Defense now moves pursuant to Rule 45 (b)(1)(A) for an extension of time to file the Rule 29 motion.

The Defense requests 30 days to file the motion. The Proposed filing date would be October 22, 2021. The Defense needs additional time to complete the motion. The Government called approximately 16 witnesses and produced a large number of exhibits. The Defense needs time to review the evidence. The parties are in the process of editing the transcripts. This is the first request for an extension. The Defense does not believe the Government will be prejudiced by the delay.¹ I have the consent of the Government for this request.

The Proposed schedule is as follows:

Defense filing October 22, 2021
Government response November 12, 2021

¹ See, *United States v. Pauling*, 256 F.Supp.3d 329 (SDNY 2017).

Defense reply November 19, 2021

Please contact me if you have any questions or concerns.

Sincerely,

s/Marlon G. Kirton

Marlon G. Kirton, Esq.

cc: Andrew Chan, Assistant United States Attorney (via electronic mail)
Celia Cohen, Assistant United States Attorney (via electronic mail)
Emily Johnson, Assistant United States Attorney (via electronic mail)
Emilee Sahli, Associate Counsel (via electronic mail)